

IN THE DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NEIGHBORHOOD ASSOCIATION)	
OF THE BACK BAY, INC., <i>et al.</i>)	
)	CASE NO. 04-11550-RCL
Plaintiff,)	
)	
v.)	
)	
)	
FEDERAL TRANSIT)	
ADMINISTRATION and)	
MASSACHUSETTS BAY)	
TRANSPORTATION AUTHORITY,)	
)	
Defendants.)	
)	

JOINT MOTION TO ENTER BRIEFING SCHEDULE

This is a case arising under the National Historic Preservation Act, 16 U.S.C. § 440, and Section 4(f) of the Department of Transportation Act of 1966, challenging federal action in funding a proposed improvement by defendant MBTA to the Arlington Street Subway Station. The parties to this action submit that the action should be resolved by summary judgment on the administrative record, without discovery or trial.¹ Accordingly, the parties have conferred and, assuming the administrative record is filed, as predicted, by December 15, 2004, have agreed to propose the following schedule for such briefing:

Plaintiffs' Summary Judgment Motion	January 26, 2005
Defendants' Cross-Motions for Summary Judgment and Opposition to Plaintiffs' Motion	March 2, 2005
Plaintiffs' Reply and Opposition to Cross-Motion	March 16, 2005

¹ Although plaintiffs have not specifically invoked the Administrative Procedures Act, 5 U.S.C. § 706, defendants understand this to be an APA action.

Defendants' Reply Briefs

March 30, 2005

WHEREFORE the parties request that the Court grant this Motion and enter an order for the briefing schedule above. The parties also respectfully suggest that in light of the above an initial scheduling conference, currently set for December 16, 2004, is not necessary.

Respectfully submitted,

PLAINTIFFS NEIGHBORHOOD
ASSOCIATION OF THE BACK
BAY, *et al.*,

By their attorney

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DEFENDANT FEDERAL TRANSIT
ADMINISTRATION

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/s/Barbara Healy Smith
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DEFENDANT MASSACHUSETTS BAY
TRANSIT AUTHORITY

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Date: December 9, 2004